

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting  
April 7, 1977  
10:00 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor Pro Tem Snell presiding.

Roll Call:

Present: Mayor Pro Tem Snell, Councilmembers Himmelblau,  
Hofmann, Linn, Trevino

Absent: Mayor Friedman, Councilmember Lebermann

The Invocation was delivered by REVEREND WILLIAM GRADY ROE, University United Methodist Church.

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for March 24, 1977. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Linn, Trevino

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

GIFT OF LAND FROM HAZEL GOODNIGHT STARKEY

The Council passed a resolution commending Hazel Goodnight Starkey for her gift of 2.42 acres of land at Williamson Creek for Parks and Recreation purposes. The resolution, read by Councilmember Trevino, was accepted by Mrs. Starkey.

## GIFT OF LAND FROM THE SOUTHLAND CORPORATION

The Council passed a resolution commending The Southland Corporation for their donation of three tracts of land totaling 0.16 acres on Waller Creek for parks and recreation purposes. The resolution read by Councilmember Hofmann, was accepted by Mr. Berl Smith, member of Reddy Ice, Austin Area Southland representative.

## JIM VANCE RECOGNIZED

Mayor Pro Tem Snell read the Council's resolution citing Jim Vance for his work in the "Austin Area Bicycle System: Interim Report." He has been honored as recipient of the Urban Bikeway Design Collaborative Award, sponsored by the Environmental Protection Agency and U. S. Department of Transportation to acknowledge innovative work in the field of bicycle transportation. Mr. Vance accepted the resolution and turned over the cash portion of the award in the amount of \$250.00 to the City of Austin for the best use as appropriate.

## MEDICAL LABORATORY WEEK

Mayor Pro Tem Snell read a proclamation declaring the week of April 10-16, 1977, as Medical Laboratory Week and urged all citizens to join in saluting laboratory professionals whose scientific efforts are invaluable in providing physicians with information to assist in delivering the best possible medical care to the public. Accepting the proclamation with their thanks were Sylvia Collins and Donna Valdes on behalf of the laboratory professionals.

## FREE BUS TRANSPORTATION AND STREET NAME CHANGE

Councilmember Linn moved that the Council approve the request by Mr. T. W. Johnson, Secretary, Adult Services, for free bus transportation on May 22, 1977, at the City Auditorium, and a street name change from Congress Avenue to "Older Texan Avenue" for that day. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Linn, Trevino

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

## LOST CREEK MUNICIPAL UTILITY DISTRICT

MR. ELBERT HOOPER, Attorney, representing Lost Creek Municipal Utility District, appeared before the City Council to request approval of the following items:

1. Revised agreement on the creation of Lost Creek Municipal Utility District between the City of Austin, Mutual Savings Institution and Lost Creek Municipal Utility District.

2. Amended water supply contract between the City of Austin, Mutual Savings Institution and Travis County Water Control and Improvement District No. 10 for water supply to the area within Lost Creek Municipal Utility District.
3. Preliminary approval of one million dollars Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds, Series 1977, of Lost Creek Municipal Utility District.

Councilmember Linn stated she had received a request from some of the newly elected members of Water District 10 that this discussion be delayed for one week until they take office. Mayor Pro Tem Snell said that since this was a citizen communication item, he wanted to hear those who had something to say.

Mr. Hooper addressed the Council with a history of the Lost Creek Municipal Utility District. Created in 1972, there was an agreement between the City and Mutual Savings Institution with certain restrictions on the creation and operation of the district and the financing of it. The obligations of that agreement are one of the matters under consideration. Lost Creek subdivision is growing rapidly and it is time for the district to take over the responsibility for the operation and maintenance for the water and wastewater facilities in the district. The water supply contract was initiated in 1973 between Mutual Savings Institution and the City of Austin and Travis County WCID No. 10. Initial terms of that contract was four years, purpose of which was to carry the contract along until an anticipated City of Austin Water Supply Line to that area would be constructed. The work has not been done and it is now time to renew and extend the water supply contract so that water may continue to be supplied to Lost Creek subdivision. Negotiations on the contract began about a year ago. Mr. Hooper said the contract he prepared was submitted to Travis County WCID No. 10 Board of Directors, the Lost Creek MUD Board of Directors (which is not a party to the contract but has great interest in it and would be the heir to the contract), Mutual Savings Institute, and the City of Austin. He informed the Council that the contract went "round the horn" among those people any number of times to get all their views and express them in the contract. On February 17 of this year, the contract was approved by Water Control and Improvement District No. 10. At the January 17 meeting the Board of Directors of Lost Creek MUD approved the first installment of bonds of one million dollars. The bond date sale has been set for April 28. Mr. Hooper stated that this day (April 7, 1977) was about the last day the matter could be acted upon without having to postpone the sale of the bonds. He said if the sale could not be approved that day the whole matter would have to be re-examined. This would also result in a delayed bond sale date which, according to their fiscal advisor, would mean a higher interest rate on the bonds, payable by the people of Lost Creek. Therefore, Mr. Hooper asked for the approval for their request by the Council.

Councilmember Hofmann asked Mr. Hooper why, when this matter had been originally set for discussion on April 14, 1977, it was suddenly urgent to settle the matter that day. He replied in order for the notice for the sale to be mailed out in time to the prospective purchasers of the bonds, it must go out in the next day or two. The printer is ready to go so that the prospectus can be mailed and the people who bid on the bonds can have a reasonable amount of time and opportunity to review the project and develop a reasonable bid for the bonds. Councilmember Hofmann asked him about the timing of the sale of the bonds. He replied that they had been advised the bond market is good now.

Councilmember Trevino stated the newly elected directors of the Board are willing to take the risk, asking for a delay, knowing that the delay may have some impact on the interest rate of the bonds. Mr. Hooper replied that it will not be District 10 that will be paying the interest rate, it will be Lost Creek MUD. He said all five members of Lost Creek MUD are ready to go forward.

Councilmember Hofmann asked if the bond sale was to pay off Mutual Savings so that Lost Creek will own its own lines, or is this intended to build new ones? Mr. Hooper replied the bond sale was for the purchase of existing lines. Lost Creek MUD does not have an existing policy as such, but general consensus is to proceed on the basis of requiring the developers of land in the district, at their expense, to install water and sewer lines and then at such time as there is an adequate tax base in the area where those facilities are constructed, the District will buy the facilities from Mutual Savings. After more questioning from Councilmember Hofmann, he informed her the whole fee to pay off Mutual Savings would be about \$1,800,000.00 and this would be for one million dollars of it. A subsequent sale will be held to buy the other facilities and they will not be purchased until the work is completed or until there are a prescribed number of improvements in the segment. Councilmember Hofmann asked, "Whether we approve or not, the water originally comes from Austin?" "Yes," answered Mr. Hooper.

Motion: ~~and~~ Died

Councilmember Himmelblau made a motion to approve the three items requested by Lost Creek Municipal Utility District. The motion died for lack of a second.

Councilmember Linn told the Council she wanted to hear from the people in Water District 10 who were there to speak. Mayor Pro Tem Snell said that if they opened up the meeting to hear from one group, then he felt everyone who wanted to speak should be so allowed.

RUSSELL COLLINS, Director-elect to Water District 10, pointed out their first meeting was scheduled for that evening. He said he and Dr. Waite ran for the two directorships because of a concern that the interest of WCID 10 were not adequately protected by the then constituted members of the Board of Directors. A major campaign issue was that the 30-year contract with Mutual Savings and the City of Austin was arrived at without independent legal counsel representing WCID 10. He said there was some confusion in his mind when Mr. Hooper stated he represents solely Lost Creek MUD. He said if the Council did not approve Mr. Hooper's requests, they could re-open discussion of the contract at their meeting. He said only Mutual Savings would lose if the contract were postponed. He felt that in a contract that would last 30 or 40 years it would be best to start with a contract sharing the most amicable feelings between WCID 10 and Lost Creek MUD. Mayor Pro Tem Snell asked how much public hearing they would have a chance to have by next week. Collins answered that in order to secure the time the district will need he intended to ask the Board of Directors to rescind their prior approval of the contract. He said the sole legal counsel present at the February 16 (he said Mr. Hooper's date of February 17 was wrong) meeting of the water district had been Mr. Hooper. Collins went on to say he understood Hooper was asked a number of questions and he explained the contract to them.

(At this point Councilmember Lebermann entered the Council Chamber.)

Motion

Councilmember Linn pointed out the Council had voted not to hear this issue until April 14, 1977, and in light of the election that occurred last week, she made the following motion: Councilmember Linn moved that the Council postpone this issue until April 14 as originally scheduled. The motion was seconded by Councilmember Hofmann.

Councilmember Trevino recalled Mr. Hooper was told the District could go ahead and advertise pending the outcome of the decision.

MIKE WILLATT, speaking on behalf of Mutual Savings (Lost Creek Developers) said this was the last day the contract could be approved and still have the bond sale April 28, 1977. He explained the process needed for a bond sale. He pointed out that if the bond sale is off, Mutual Savings will not be the one in jeopardy. The big issue, he said, was to catch the bond market at a favorable time, which it now is, because the bonds will be paid by the people who live in Lost Creek, not by Mutual. Mutual, he said, was required to deal with the duly elected Board of Directors of WCID 10. He said they did this and signed a contract with them in July 1976 and it was required for the City to approve it. After corrections and discussion, the contract was finally approved by WCID on February 16, 1977. Mr. Hooper was stricken when he was here for approval of this issue March 24, and it is unfair to say he approved of the April 14, 1977, hearing. Willatt said the problem was that everyone has met at length to try to work things out, but the only objection that Dr. Collins has ever stated to the contract is that District 10 allegedly was not represented by an independent counsel. The question is, Willatt said, what is it about the contract that you want to change if you were represented by an independent counsel. That is the question that won't be answered. He went on to say the contract has been examined by a University of Texas professor of law for Dr. Collins. His statement was that it had been written to accomodate the developer, but there was nothing specific he suggested changing. He said the main thing the Council should look at was, "Does the contract meet the requirements of the City of Austin?"

Substitute Motion

Councilmember Himmelblau moved that the Council approve the contract. Councilmember Lebermann seconded the motion.

IVAN HAFLEY, President, Board of Directors of Lost Creek MUD, represented the people who live in Lost Creek. He said none of the Board really like having to buy the facilities from Mutual and having to impose a tax on themselves to pay for them, but after long soul searching, they decided in the best interests of the residents to go through with it. Mutual Savings is not by choice in the water and sewer business. They are providing the service as a private contractor now as a necessity. At some point they will leave and Lost Creek has decided they will go ahead with the bond issue to be able to control the future development as much as possible. To date they exist on paper only and don't own a thing. Mutual wanted to put in a commercial-industrial type park right in the middle of the subdivision, but they prevailed on them to change it to residential. The goals of the residents (who are prospective Austin citizens since they are in Austin's extraterritorial jurisdiction) are the assurance of an adequate supply of water, reasonable rates, tax base, and some minute control over their own destiny. He said the people in Lost Creek ask the Council to either:

1. Approve the contract so they can go on and culminate their two years of efforts and control their own destiny.

OR

2. Take immediate steps to annex Lost Creek...run a water line through and take them in.

If the contract is approved and at any time there is any aspect of the contract which is detrimental to Water District 10, then Lost Creek MUD will renegotiate, Hafley said.

DR. MARILYN WAITE, Director-elect of Water District 10, reiterated the April 14 date approved by Council. She wanted clarification of any legal advice. She said she had serious doubts about the provisions of the contract. She feels that a binding contract of 30 years requires independent legal counsel. She said they were not in the water hole business and wondered if they wanted to support industrial growth in Lost Creek...there was no limitation in the contract on how much land Lost Creek could annex. The contract allows for a number of conditions under which the judgment of the Board of Directors is all that is required to cut off water to Lost Creek.

Councilmember Hofmann asked if Dr. Waite was so concerned with the contract for two weeks, why she did not consult an attorney. She said she had a private attorney look at the contract and he had serious questions. She could not do anything officially because she was a Director-elect.

Deputy City Manager Homer Reed told the Council that while this is a 30-year contract, the original contract was for four years and it was anticipated that the City would have water to serve Lost Creek at that time. That did not occur, for several reasons that are well know, he said. But he pointed out the contract contains a cancellation clause at the option of the City of Austin, after proper notice. The City has a project scheduled and the funds are already available from the last bond election that will make water readily available from the City of Austin to Lost Creek. That project is expected to be completed in 1980 so it will be expected that at that time Austin will give notice to cancel the contract. This is not guaranteed, he said, because the future has uncertainties, but he did want it in the record that those funds are available and the contract does contain provisions for cancellation at that time.

#### Roll Call on Substitute Motion

Ayes: Councilmembers Lebermann, Trevino, Himmelblau

Noes: Councilmember Linn, Mayor Pro Tem Snell, Councilmember Hofmann

Absent: Mayor Friedman

The Mayor Pro Tem announced that the motion had failed.

Mr. Hooper returned asking to read a statement, since he felt he had been seriously maligned during this discussion. The statement was from the Minutes of the Lost Creek MUD meeting of November 11, 1976: "Mr. Hafley advised the Board that Mr. Hooper had told him he had been contacted about representing Travis County Water Control and Improvement District No. 10 and wanted to present the matter to the Lost Creek Board. Mr. Hooper stated he would like to have the

opportunity to represent District 10, but would not want to do so if there were any objections by any of the directors of Lost Creek MUD. He stated he would not be able to represent either one of the districts on the contract negotiations for extending the water supply contract between the two districts and while this appeared to be the only area of possible conflict he might encounter representing both districts, there could be similar instances in the future. The Board discussed the matter and no objection being voiced, the consensus of the Board was that the arrangement outlined by Mr. Hooper would be acceptable."

Mr. Hooper explained that his role was to be the vehicle to communicate with all of the interested parties. He said he contacted the City of Austin, District 10, Lost Creek MUD, and Mutual Savings. He was in the role of writing the agreement, he explained, and responded to all requests and answered all questions. He expressed his distress at the way he has been maligned...he feels it is most unfair. He confessed to an error in not making it clear at every opportunity just what his role was. He said the only meeting he ever attended of District 10 was the one at which the contract in question was presented. He also stated he had never billed District 10 for any of the work he had done and does not intend to as he did not consider he was doing work for District 10.

Mayor Pro Tem Snell said the item would be back on the agenda April 14, 1977.

#### NEW PROPOSALS TO DOG ORDINANCE

MRS. HELEN B. MAYFIELD, who lives at 19th Street and Rio Grande, appeared before the Council to discuss her ideas for enforcing the dog ordinance. She said the Police Department should patrol more closely and issue a ticket to owners of unleashed dogs. She fears that, since the rabies season is at hand, something dreadful will happen if there is not tighter enforcement of the leash law. Mayor Pro Tem Snell asked if the Council wished to take any action. Councilmember Hofmann noted that Mr. Reynolds of the Health Department was in the audience and was taking notes.

#### PUBLIC HEARING ON THE HILL COUNTRY AMBULANCE APPLICATION FOR NON-EMERGENCY AMBULANCE VEHICLE FRANCHISE REQUEST

Mayor Pro Tem Snell opened the public hearing scheduled for 10:30 a.m.

MR. THOMAS PRICHARD, an attorney representing the Hill Country Ambulance Service, spoke before the Council. Mr. Prichard pointed out that his client was not asking to make any kind of emergency runs in the City of Austin. Mr. Prichard noted two attachments included with his company's franchise application. The first one was a statement of applicable insurance that would be granted to the company if the franchise application was approved. The second one was a letter designating the location of the company at 3709 North I.H. 35. He stated that they wanted to have those two attachments included in the Minutes of the meeting.

Mr. Prichard filed Applicant's Exhibit I:

1. Copy of letter to Urban Transportation Commission
2. Affidavits supporting the application:

Seton Medical Center, Mrs. Wanda Partin, Mrs. Buford Thurman, Mrs. Tonna J. Polk, Mrs. Dorothy Simon, Charles Collins, Mary E. Waxler, Sadie Mason, Janice Reynolds.

Exhibit II: Letter from St. David's Community Hospital stating results of study made by them. Affidavits show that the public convenience and necessity would be served by the granting of a non-emergency transportation franchise.

Mr. Prichard stated that the company's location on North I.H. 35 was in close proximity to a great number of the hospitals and nursing homes. There would be three vehicles available for non-emergency transfers. The service would be in operation 7 days a week and 24 hours per day. The persons who would operate the ambulances would be emergency medical technicians, NTA's and NTA's. Mr. Prichard stated that their rates would be the same amount that EMS (Emergency Medical Service) currently charges which is \$40.00 per trip.

Mr. Prichard stated that EMS was currently making 8 to 10 non-emergency transfers per day, each one taking about 1 hour of transfer time. He felt that this was the cause for people being delayed in receiving prompt medical service. Mr. Prichard also felt that since non-emergency transfers had to be scheduled 24 hours in advance, that many persons ended up incurring additional medical expense because they were not able to check out of a hospital until a certain time. He stated that his clients service would help to alleviate this kind of problem. Mr. Prichard stated that there was a real need for this kind of non-emergency ambulance service and that his client already had the vehicles and personnel ready for operation.

MS. SUSAN WILLIAMS, Administrator of Francis Retirement Home, spoke before the Council. She felt that there was a great need for additional non-emergency transfer service in the City. She stated that there were cases of semi-emergency incidents that were not considered life threatening but required somewhat fast transfer service for a patient. She said that 90% of their own ambulance usage were non-emergency transfers.

MS. TONA POLK, Assistant Director of Nursing at Francis Retirement Home, spoke before the Council. She felt that the Hill Country Ambulance Service deserved to have a chance to operate their business.

Mr. Joe Ternus, Director of the Urban Transportation Department, stated that the item had been considered at a meeting of the Urban Transportation Commission. The Commission felt that there was not enough evidence of public convenience and necessity to warrant approval and therefore recommended that the application for franchise be denied.

#### Motion

Councilmember Linn moved that the Council close the public hearing and deny the request of Hill Country Ambulance for a franchise. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann

Noes: None

Absent: Mayor Friedman



## PENDING ZONING APPLICATION

The following pending zoning application was before the Council:

|              |                         |                            |
|--------------|-------------------------|----------------------------|
| ROGER JOSEPH | 600 West 17th Street    | From "O" Office            |
| C14-70-226   | 1700-1704 Nueces Street | 2nd Height and Area        |
|              |                         | To "GR" General Retail     |
|              |                         | 2nd Height and Area        |
|              |                         | RECOMMENDED for withdrawal |
|              |                         | by the Planning Commission |

Councilmember Linn moved that the Council permit withdrawal of the above zoning case. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the zoning case had been withdrawn.

## SETTING A PUBLIC HEARING ON ANNEXATION

The Council had before it a resolution setting a public hearing for April 28, 1977, at 2:00 p.m. on annexation of the following:

1. 199.13 acres of land, being a 600-foot strip of land centered on the existing 200-foot right-of-way of U. S. Highway 183, from the present CLL to 100 feet north of the north right-of-way line of Ranch-to-Market Road 620. (Initiated by the City of Austin)
2. 63.10 acres of land, being a 200-foot strip of land, adjacent and parallel to the west right-of-way line of Old U. S. 183 between the existing CLL (Initiated by the City of Austin)
3. 95.86 acres of land being a strip of land centered on the existing 100-foot right-of-way of Farm-to-Market Road 620 from 300 feet east of centerline of U. S. Highway 183 easterly 8719.6 feet (Initiated by the City of Austin) (Case No. C7a-77-003)

MAYOR LITTON of the City of Round Rock, Texas, appeared before the City Council to discuss the proposed annexation by the City of Austin. Mayor Litton felt that there would be a solution for the properties which lie within the Extraterritorial Jurisdiction of both Austin and Round Rock. He stated that several weeks ago, the City Managers and Planning Directors of both cities decided upon 3 common ETJ lines which he understood would be recommended to the Austin City Council. He said that there was, however, concern over the areas that crop up without any kind of planning going on in those areas.

Mayor Litton referred to an April 5, 1977, memorandum by City Manager Dan Davidson which read as follows:

"If approved, the annexation will extend the City's extra-territorial jurisdiction into a rapid growth area north of Highway 620. The area effected is outside the ETJ of any city and is subject to no municipal planning standards at this time. Extension of the City's standards into the area will require the development which occurs to be of high quality in accordance with city subdivision and related development ordinances."

Mayor Litton stated that the City of Round Rock is under contract for a water trunk line going through the area and that the area is subject to all the subdivision ordinances of the City of Round Rock. Mayor Litton asked the Council to postpone a public hearing on annexation until after the City Councils of both Round Rock and Austin can meet in a work session to discuss the situation.

Mayor Pro Tem Snell asked Mayor Litton if he would be willing to negotiate even if a public hearing were set. Mayor Litton replied that he would still be willing to negotiate but questioned why the hearing would be necessary prior to both City Councils meeting. Councilmember Himmelblau stated that she saw nothing wrong with setting a public hearing. She felt that it would give the Council a chance to see what was out there and that this was standard procedure for the City of Austin. Councilmember Linn stated, however, that the work sessions could bring out certain legal aspects that needed to be worked out. She felt that it would make more sense to meet with the City Council of Round Rock prior to holding any public hearing.

Deputy City Manager Homer Reed stated that he had sent letters to the City Managers of Round Rock and Cedar Park advising them that the City had no intentions other than to proceed with a plan to meet with them to work out a common line for ETJ. He said that even if the Council decided to proceed with the annexation, this would not preclude any negotiations because the ETJ line can be adjusted.

Mr. Reed stated, also, that this was an area in which a number of land transactions have occurred and that subdivisions were beginning to be developed. He pointed out that the City of Round Rock was currently contracting in one of the subdivisions. He stated that there was no ETJ overlap whatsoever. He indicated that the Austin Extraterritorial Jurisdiction would end where the Round Rock ETJ begins.

#### Motion

Councilmember Himmelblau moved that the Council adopt a resolution setting a public hearing for April 28, 1977, at 2:00 p.m. The motion was seconded by Councilmember Lebermann.

#### Substitute Motion - Died

Councilmember Linn moved that the Council postpone the public hearing and instruct the staff to set up a work session with the Round Rock City Council and their staff. The motion died for lack of a second.

Roll Call on Original Motion

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Trevino  
Noes: Councilmember Linn  
Absent: Mayor Friedman

Councilmember Lebermann stated that he felt it was important to move forward with the project at least to the extent that the public hearing is held.

Mayor Pro Tem Snell directed the staff to get together with the Round Rock officials in the near future. Mr. Reed pointed out that prior to the public hearing, hand delivered flyers would be circulated to all of the residents in the area. This would carry out the notification direction which the Council has given the City Manager's office.

Mayor Litton thanked the Council for giving him the opportunity to speak and stated that they would be able to show that there were controlled situations in the area when the work session is held.

## LICENSE AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution to authorize a license agreement permitting encroachment of a trash can enclosure in the south right-of-way line of West 8th Street and west of San Antonio Street. (Requested by Mrs. R. V. Baker, President of Austin Woman's Club, owners of the adjacent property opposite the area requested.) The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Pro Tem Snell  
Noes: None  
Absent: Mayor Friedman

## RELEASE OF EASEMENT

Councilmember Linn moved that the Council adopt a resolution to authorize release of the following easement:

The east one (1.00) foot of the west five (5.00) feet of the north 250.12 feet of Lot 24, Shoal Terrace, a subdivision in the City of Austin, Travis County, Texas, locally known as 1015 Gaston Avenue. (Requested by William W. Krumpack and Ann B. Krumpack, owners of Lot 24, Shoal Terrace)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

Councilmember Linn moved that the Council adopt a resolution to authorize release of the following easement:

The south two and one-half (2.50) feet of the north five (5.00) feet of the east 115.00 feet of Lot 16, Enfield "F," locally known as 1706 Hartford Road. (Requested by Mr. Lewis A. Jones, owner of Lot 16, Enfield F)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

Councilmember Linn moved that the Council adopt a resolution to authorize release of the following easement:

A portion of a Public Utilities Easement in Lot 7-A, Block L, of the resubdivision of Lot 7, Block "L" Peppertree Park, Section I and Lots 8, 9, 10, and 11 Block "L", Peppertree Park Section 3, locally known as 5600 Tallow Tree. (Requested by Sharon Burroughs, Realtor Associate, representing Mr. and Mrs. Joe H. Nelson, III, owners of said Lot 7-A, Block L)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

#### STREET CLOSING

Councilmember Lebermann moved that the Council adopt a resolution to authorize the closing of that portion of Stratford Drive lying within Zilker Park from 10:30 a.m. until 7:00 p.m., Saturday, April 16, 1977, and Sunday, April 17, 1977, in conjunction with the annual Natural Science Center Safari, sponsored by the Parks and Recreation Department and the Austin Natural Science Association. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Pro Tem  
Snell, Councilmembers Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Friedman

## GRANT APPLICATION APPROVED

Councilmember Linn moved that the Council adopt a resolution authorizing the submission of a \$100,000 grant application to the National Trust for Historic Preservation for the replacement of two endangered moonlight towers and restoration of four others. (\$50,000 proposed HCD; \$50,000 Federal funds) The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None  
Absent: Mayor Friedman

Councilmember Linn moved that the Council adopt a resolution authorizing the submission of a \$80,000 grant application to the National Trust for Historic Preservation for continued restoration and preservation of the Daniel H. Caswell House located at 1404 West Avenue. (\$40,000 proposed HCD; \$40,000 Federal funds) The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmembers  
Lebermann, Linn  
Noes: Councilmembers Himmelblau, Hofmann  
Absent: Mayor Friedman

## NEW AIRPORT RENTAL FEES ESTABLISHED

Councilmember Himmelblau moved that the Council adopt a resolution to establish new airport rental fees for Braniff, Continental, and Texas International Airlines for the period October 1, 1976, through September 30, 1977. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino  
Noes: None  
Absent: Mayor Friedman

## STRUCTURE TO BE MOVED

Councilmember Linn moved that the Council adopt a resolution to move the following structure:

|                 |                 |            |
|-----------------|-----------------|------------|
| 2702 Drury Lane | Mrs. Alta Hoyle | \$2,706.00 |
|-----------------|-----------------|------------|

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino  
Noes: None  
Absent: Mayor Friedman

## AUCTION

Councilmember Trevino moved that the Council adopt a resolution to dispose by auction during May, 1977, surplus vehicles and equipment, including any items which may sell for \$5,000.00 or more. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Pro Tem Snell  
Noes: None  
Absent: Mayor Friedman

## CONTRACTS AWARDED

Councilmember Linn moved that the Council adopt a resolution to award the following contract:

|                             |                                       |
|-----------------------------|---------------------------------------|
| JAY SMITH CHRYSLER-PLYMOUTH | - Sedan, Vehicle & Equipment Services |
| 841 West 6th Street         | Department.                           |
| Austin, Texas               | Item 4 - 2 ea. @ \$4,057.00           |
|                             | Total - \$8,114.00                    |

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

Councilmember Linn moved that the Council adopt a resolution to award the following contracts:

|            |   |
|------------|---|
| Bid Award: | - Truck Bodies, Vehicle & Equipment<br>Services Department. |
|------------|---|

|                             |                                |
|-----------------------------|--------------------------------|
| COMMERCIAL BODY CORPORATION | - Item 1 - 1 ea. @ \$11,789.00 |
| 5th at Pedernales           | Item 4 - 2 ea. @ \$16,848.00   |
| Austin, Texas               | Item 5 - 1 ea. @ \$28,574.00   |
|                             | Total - \$74,059.00            |

|                          |                                  |
|--------------------------|----------------------------------|
| PLAINS MACHINERY COMPANY | - Item 2.1 - 1 ea. - \$11,788.00 |
| 2235 West Loop 410       |                                  |
| San Antonio, Texas       |                                  |

|                                 |                                |
|---------------------------------|--------------------------------|
| DAVIS TRUCK & EQUIPMENT COMPANY | - Item 3 - 10 ea. @ \$8,475.00 |
| 520 Crescent Drive              | Total: \$84,750.00             |
| Waco, Texas                     |                                |

|                               |                                  |
|-------------------------------|----------------------------------|
| SOUTHWESTERN HYDRAULICS, INC. | - Item 6.0 - 1 ea. - \$38,544.00 |
| 812 South 2nd Street          |                                  |
| Mansfield, Texas              |                                  |

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

Councilmember Linn moved that the Council adopt a resolution to award the following contracts:

|   |  |
|---|--|
| Bid Award:  | - Truck Cab & Chassis, Vehicle & Equipment Services Department           |
| LONGHORN INTERNATIONAL COMPANY<br>4711 East 7th Street<br>Austin, Texas | - Bid Sheet HT-1 through HT-7<br>Bid Sheet HT-9 (Item 2)<br>\$423,763.49 |
| McMORRIS FORD, INC.<br>808 East 6th Street<br>Austin, Texas             | - Bid Sheet HT-8<br>Bid Sheet HT-9 (Item 1)<br>\$57,174.79               |

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmembers Himmelblau  
Noes: None  
Absent: Mayor Friedman

Councilmember Linn moved that the Council adopt a resolution to award the following contract:

|   |   |
|---|---|
| PARKER EXCAVATING COMPANY<br>P. O. Box 15105<br>Austin, Texas | - CAPITAL IMPROVEMENT PROGRAM, Lions<br>Municipal Golf Course Parking Lot and<br>Access Road Improvements - \$26,211.45 |
|---|---|

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

Councilmember Linn moved that the Council adopt a resolution to award the following contracts:

|  |   |
|--|---|
| Bid Award:   | - Continuous Stock Paper, Data Systems. |
| FORMCRAFT, INC.<br>4211 Southwest Freeway, 104<br>Houston, Texas | - Item 1 - \$11,041.92                  |

DATA DOCUMENTS  
11905 Warfield Drive  
San Antonio, Texas

- Item 2 - \$125.36

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

Councilmember Linn moved that the Council adopt a resolution to award the following contract:

TEXAS VIDEO SYSTEM  
433 Breesport  
San Antonio, Texas

- Closed Circuit TV System, Police  
Department.  
Item 1-71 (Complete System) -  
\$57,827.20

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

#### CHANGE ORDER

Councilmember Linn moved that the Council adopt a resolution to approve Change Order #3 in the amount of \$6,267.00 for the Brackenridge Parking Structure. CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Pro Tem  
Snell, Councilmembers Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Friedman

#### PROFESSIONAL SERVICES

Councilmember Linn moved that the Council adopt a resolution to select George Dolezal Associates for architectural services for the modification to Unit B, Kramer Lane Service Yard (CAPITAL IMPROVEMENTS PROGRAM). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None  
Absent: Mayor Friedman



Councilmember Linn moved that the Council approve the professional services of HANS AND STRINGER for design of various swimming and wading pool facility improvements for the Parks and Recreation Department, including improvements to the wading pool at Civitan Park. CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None  
Absent: Mayor Friedman

#### INTERGOVERNMENTAL PERSONNEL ACT GRANT

Councilmember Trevino moved that the Council adopt a resolution to accept the Intergovernmental Personnel Act (IPA) grant from the Texas Department of Community Affairs for a Comprehensive Employee Screening and Selection Process Program. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None  
Absent: Mayor Friedman

#### ZONING ORDINANCES

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: LOT 1, SAVE AND EXCEPT THE WESTERNMOST FIFTY FEET, TUBEX ADDITION, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: THE WESTERNMOST FIFTY FEET OF LOT 1, TUBEX ADDITION, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 9550 BROWN LANE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Ivan H. Roberts, C14-76-117)

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

## ELECTRIC CODE ORDINANCE

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 37 OF THE CODE OF THE CITY OF AUSTIN OF 1967, PROVIDING THAT PERMANENT ELECTRIC SERVICE CAN BE WITHHELD UNTIL ALL INSPECTIONS ARE COMPLETE AND NO DEFICIENCIES ARE FOUND; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council waive the requirement for three separate readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers ~~Himmelblau~~, Hofmann, Lebermann, Linn,  
Trevino, Mayor Pro Tem Snell  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

## HEARING ON PAVING ASSESSMENTS SET

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 5TH DAY OF MAY, 1977, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AT THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Burleson)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

The Mayor Pro Tem introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 5TH DAY OF MAY, 1977, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Matthews Lane)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 5TH DAY OF MAY, 1977, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Rundberg Lane)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 5TH DAY OF MAY, 1977, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Atkinson Road and Sundry other streets)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Hofman, Lebermann, Linn, Trevino, Mayor Pro  
Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 5TH DAY OF MAY, 1977, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Atkinson Road & Sundry Other Streets [Non-Interest Bearing])

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Pro  
Tem Snell, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

#### TENNIS FEE REVISIONS

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 24-2.1(e) OF THE AUSTIN CITY CODE OF 1967 BY REVISING TENNIS FEES; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Pro Tem  
Snell, Councilmembers Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

#### SMOKING ORDINANCE

Mayor Pro Tem Snell brought up the following ordinance for its third reading:

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF THE CITY OF AUSTIN OF 1967, BY AMENDING SECTION 12-64(r); ADDING THERETO A SECTION 12-41.1; PROHIBITING USE OF TOBACCO IN ANY FORM IN AREAS OF FOOD PRODUCT ESTABLISHMENTS WHERE UNPACKAGED FOOD IS PREPARED, PACKAGED, OR DISPLAYED; PROHIBITING USE OF TOBACCO IN ANY FORM IN SERVING LINES, AT SERVING COUNTERS AND AT SELF-SERVICE COUNTERS WHERE FOOD IS UNPACKAGED, EXCEPT AT SERVING COUNTERS WHERE CUSTOMER SEATING IS PROVIDED IN FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR POSTING OF NOTICE OF SUCH PROHIBITIONS; AMENDING SECTION 12-37 BY ADDING THERETO A DEFINITION FOR "UNPACKAGED FOOD"; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the third time, and Councilmember Linn moved the ordinance be finally passed. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

#### STREET VACATION

Mayor Pro Tem Snell brought up the following ordinance for its second and third readings:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF MARTIN AVENUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR SANITARY SEWER PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Linn moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn  
Noes: None  
Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

## CERTAIN PARK AREAS DESIGNATED FOR MOTORCYCLE USE

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE 1967 CODE OF THE CITY OF AUSTIN, AS AMENDED, PROVIDING FOR THE PROHIBITION OF THE OPERATION OF MOTOR VEHICLES INTO, ALONG, OR ACROSS ANY PUBLIC PARK UNLESS AS EXCEPTED; AMENDING CHAPTER 24 OF THE 1967 CODE OF THE CITY OF AUSTIN BY ADDING AN ARTICLE III PROVIDING FOR THE OPERATION AND REGULATION OF MOTORCYCLES INTO, ALONG, OR ACROSS ANY MOTORCYCLE PARK; PROVIDING A PERMIT SYSTEM; PROVIDING FOR A RELEASE OF LIABILITY; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

## HOUSING PLAN REPORT

Councilmember Linn moved that the Council accept the Housing Plan Report and refer it to joint sub-committees. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

Absent: Mayor Friedman

## ADAMS PARK AREA TRANSPORTATION ANALYSIS

Councilmember Linn moved that the Council accept the report on the Adams Park Area Transportation Analysis and Proposed Improvements. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Pro Tem Snell

Noes: None

Absent: Mayor Friedman

April 7, 1977

## REVISED CLASSIFICATION AND PAY PLAN

Mayor Pro Tem Snell indicated to the Council that the report to be given on the Revised Classification and Pay Plan could be heard with the Ordinance at the April 14, 1977, meeting. The Council agreed to listening to the report at the same time the ordinance is introduced.


## ADJOURNMENT

The Council Meeting was adjourned at 12:10 p.m.

APPROVED

  
Mayor Pro Tem

ATTEST:



City Clerk